

Chelsie M. Santillan  
2719 U Street #15  
Sacramento, CA 95818  
916-600-2296  
Pro Se, Plaintiff

**FILED**

FEB 26 2024

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                      DEPUTY CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHELSIE M. SANTILLAN

Plaintiff,

v.

CALIFORNIA BAR EXAMINERS, and  
DOES 1-100

Defendant.

No. 2:24cv 0571 DJC JDP  
(PS)

**COMPLAINT FOR INJUNCTIVE RELIEF,  
DAMAGES ACTUAL AND PUNITIVE,  
JURY TRIAL AND DECLARATORY  
ORDER**

**COMPLAINT**

Plaintiff, Chelsie M. Santillan, hereby brings this action against the California Bar Examiners (CBE), and Does 1-100 (collectively referred to as "Defendants"), and alleges as follows: This is an action for injunctive relief, actual damages, punitive damages, and other appropriate relief arising out of Defendants' discriminatory and unconstitutional administration and grading of the California Bar Examination and determination of moral character.

**I. Jurisdiction**

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331, as it arises under the Constitution and laws of the United States, discriminatory action in violation of the Equal Protection and Due Process Clause of the Fourteenth Amendment, and effectively restricts speech content in violation of the First Amendment of the United States Constitution.

This Court has personal jurisdiction over the Defendants because they conduct business

1 within the Eastern District of California and have subjected themselves to the jurisdiction of this  
2 Court by engaging in conduct that affects individuals within this district.

3 Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial  
4 part of the events or omissions giving rise to the claims occurred in this district.

## 5 **II. Parties**

6 Plaintiff Chelsie M. Santillan is an individual residing in Sacramento, California.

7 Defendant California Bar Examiners (CBE) is responsible for administering the California  
8 Bar Examination and determining the moral character of applicants seeking admission to the  
9 California State Bar.

10 Defendants Does 1-100 are individuals employed by the CBE who participated in the  
11 actions alleged herein, and their true identities are presently unknown to Plaintiff.

## 12 **III. Factual Allegations**

13 Plaintiff is a qualified and competent JD graduate seeking admission to the California  
14 State Bar.

15 Plaintiff has a documented disability and requires certain accommodations to ensure fair  
16 and equal access to the bar examination.

17 Plaintiff attempted to register for the February 2024 administration of the California Bar  
18 Examination but was denied access to the testing site of her choice due to the lack of available  
19 disability accommodations.

20 The California Bar Examination is administered in a manner that is unfair and  
21 discriminatory towards economically disadvantaged applicants because it requires an applicant to  
22 have time, approximately 600 hours, to memorize to proficiency thousands of rules, which is  
23 unduly burdensome to those applicants who are employed.

24 Where the California Bar Exam purports to test competency and the means for which they  
25 use are unduly burdensome on low-income applicants, and there are less restrictive means to test  
26 competency, such as providing an appendix of rules to applicants via PDF or paper copy to hand-  
27 writers, and implementation of an appendix would come at little to no cost to create given its  
28 electronic form, the exam as administered is discriminatory, prejudicial, not a test of competency

1 but rather a restraint on speech.

2 The grading system used for the bar examination is arbitrary and prejudicial, resulting in  
3 unequal treatment of applicants based on factors such as their socioeconomic background and the  
4 type of law school they attended.

5 Plaintiff asked in a public comment to the California Bar Examiners how graders were  
6 monitored while grading examinations to ensure proper adherence to process and procedures  
7 required of bar examiner graders, and plaintiff is still awaiting a coherent answer.

8 The California Bar Examination and associated costs create barriers to entry for  
9 economically disadvantaged individuals, depriving them of equal protection under the law and  
10 due process.

11 Defendants have violated Plaintiff's rights under the Due Process Clause and Equal  
12 Protection Clause of the Fourteenth Amendment to the United States Constitution by  
13 administering the bar examination in an unfair and discriminatory manner.

14 I was denied access to my chosen testing site because it lacked disability  
15 accommodations, a site where second-time test takers from ABA-accredited schools pass,  
16 because the applicant pool of test-takers in which exams are piled in with for grading are less  
17 competitive, as the schools surrounding the location are CBA accredited schools.

18 Students attending CBA accredited law schools enjoy lower enrollment fees, tend to be  
19 employed, and have families to look after.

20 CBA graduates tend to have less time to study for the examination because of their need  
21 to work.

22 I have to work in order to pay for costs associated with living and as a result cannot afford  
23 the required 600 hours of studying demanded to memorize 20,000 rules to proficiency, but I am  
24 able to synthesize the rules, however, when my exam is piled together for grading with applicants  
25 having the economic means necessary to study for 600 hours, access to bar prep courses, and  
26 tutors, I am deemed unqualified because my answers do not reflect 600 hours of studying.

27 I was denied access to a site with likely situated applicants due to my disability needs,  
28 where I would have had a fair chance at passing.

1       Paying to sit for this examination is a risk to sustaining my livelihood, as my income  
2       qualifies me for government assistance, to be denied a fair chance at passing due to my disability  
3       and my socio-economic status is a violation of Equal Protection and Due Process and results in  
4       the deprivation of my property interest to legally practice law in California as a licensed attorney.

5       I am required to have a bar license to legally advocate on behalf of a client in a public  
6       forum so that the promises of the Constitution are upheld, fundamental rights are not violated by  
7       state action, and where the exam is unfairly prejudicial and discriminatory, evidence by the  
8       marginal number of licensed attorneys from low-income households, this exam results in  
9       censorship of content specific speech, legally sound, real-world experienced, common-wealth  
10      advocate, competent and qualified attorneys who are poor.

11      The lack of fee waivers or reduced prices for exam-related costs and prep courses unfairly  
12      burdens economically disadvantaged applicants and violates principles of equal protection and  
13      due process.

14      The bar examination's format and associated costs disproportionately disadvantage poor  
15      applicants and hinder their ability to advocate for justice and is a restraint on Speech.

16      I have experienced emotional distress and physical manifestations due to discriminatory  
17      practices and unfair treatment during the examination process.

18      Despite being of good moral character, I was wrongfully denied good character based on  
19      the illegal demand for my medical records, which violated my privacy rights and subjected me to  
20      discrimination because it is uncommon to require an applicant to disclose medical records given  
21      HIPAA protection.

22      The disclosure of my private medical information relinquished to the CBE was done so  
23      while under duress and resulted in loss of income, employment opportunities, and emotional and  
24      mental anguish.

25      I have been treated differently and unfairly throughout the examination process, likely,  
26      retaliatory discrimination after writing and sharing amongst the legal community a memorandum  
27      regarding the California Bar Examiners negligence in not having established preemptive  
28      procedures for administering the bar exam during emergency situations where an in-person

1 administration of the bar exam is impracticable, because there have been emergencies in the past  
2 that hindered an in-person administration of the bar exam and the CBE should have anticipated  
3 another emergency, but did not and its sub-par administration of the October 2020 exam was  
4 discriminatory because it required test takers to have high-speed internet, a requirement that low-  
5 income test takers could not meet.

6 In my moral character evaluation I was offered an abeyance due to a history of substance  
7 abuse, but I also provided evidence of completion of rehabilitation programs and a lengthy history  
8 of life free from the use of illicit drugs, but the Bar Examiners deemed my sobriety insufficient  
9 and in the abeyance offer it required me to enter, the LAP program, a program that required me to  
10 drug test for a high fee and enroll in drug diversion classes that also required a fee. The program  
11 did not accept medi-cal nor offered fee reductions to low-income persons an, and in turn, the Bar  
12 Examiners said attending three self-help meetings a week would satisfy them, but I replied that  
13 the offer was void for vagueness. It seems that the California Bar Examiners can make up rules as  
14 they go and where there examination is not an examination of competency but rather require  
15 applicants to not be poor and the grading standards are not uniform, this examination is illegal,  
16 unconstitutional and it feels wrong that I am required to engage in an illegal act, so that I may be  
17 licensed to uphold the law at the expense of my livelihood.

18 Additionally, I initiated an appeal to my moral character determination that I voluntarily  
19 dismissed after one of the California Bar Examiners convinced me that I had no chance given my  
20 medical.

#### 21 **IV. Claims for Relief**

22 Claim One: Violation of Due Process and Equal Protection

23 Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein.

24 Defendants' actions in administering the California Bar Examination and determining  
25 moral character have deprived Plaintiff of her rights under the Due Process Clause and Equal  
26 Protection Clause of the Fourteenth Amendment to the United States Constitution.

27 Defendants' actions constitute intentional discrimination against Plaintiff and similarly  
28 situated individuals based on their socioeconomic status and disability.



1 Defendants' actions are arbitrary, capricious, and lacking in rational basis, and they have  
2 denied Plaintiff fair and equal treatment under the law.

3 WHEREFORE, Plaintiff respectfully requests that this Court grant the following  
4 relief:

- 5 A. Issue a preliminary injunction prohibiting Defendants from administering the  
6 February 2024 California Bar Examination and future California Bar  
7 Examinations until appropriate accommodations are made for Plaintiff and  
8 other similarly situated individuals;
- 9 B. Award Plaintiff actual damages, punitive damages, and other appropriate relief;
- 10 C. Declare that Defendants' actions violate Plaintiff's rights under the Due Process  
11 Clause and Equal Protection Clause of the Fourteenth Amendment and are  
12 censoring protected Speech;
- 13 D. Reasonable court and attorney fees
- 14 E. Grant any further relief that this Court deems just and proper.

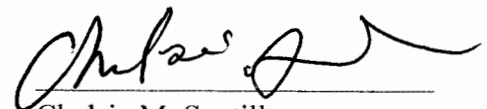
15 **JURY DEMAND**

16 Plaintiff demands a trial by jury on all issues so triable.

17  
18 Respectfully Submitted,

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21 2/26/24

22 Dated

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28 

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Pro Se Plaintiff  
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